

### **REMARKS**

The foregoing Amendment and remarks which follow are responsive to the Office Action mailed October 6, 2005 in relation to the above-identified patent application. In that Office Action, the Examiner rejected Claims 1, 7 and 14 under 35 U.S.C. §102(b) as being anticipated by the Miks et al. reference (U.S. Patent No. 6,910,635). Importantly, the Examiner indicated that Claims 2-6 and 8-13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, the Examiner indicated that Claims 15-23 were allowed.

As a preliminary matter, Applicant notes that the Miks et al. reference has incorrectly been characterized a prior art under 35 U.S.C. §102(b) since its June 28, 2005 issuance date is well beyond the January 27, 2004 filing date of the present application. Thus, the aforementioned claim amendments and remarks presented below are based on Applicant's assumption that the Examiner intended to characterize the Miks et al. reference as prior art under 35 U.S.C. §102(e).

#### ***Summary of Claim Amendments***

By this Amendment, Applicant has amended Claims 1, 11 and 14 to correct minor informalities therein. Thus, Applicant respectfully submits that no issue of estoppel should arise with respect to the changes made to these particular claims to correct such informalities. Additionally, Applicant has amended each of Claims 7-14 to change the preamble thereof to recite a "memory card."

#### ***An Overview of the Cited Miks et al. Reference***

Inasmuch as the cited Miks et al. reference is owned by the Applicant, the structural attributes of the multi-media card disclosed in such reference are well-known to the Applicant. As shown in Figure 4 of the Miks et al. reference (highlighted by the Examiner), the secure digital card 45 comprises first and second skins 46, 47 which are ultrasonically welded or otherwise adhered to each other subsequent to the placement of a circuit module 12 therebetween. Thus, the top skin 46 covers one side of the circuit module 12, with the

opposite side of the circuit module 12 being covered by the bottom skin 47. The bottom skin 47 is formed to include one or more windows 48 which are oriented to facilitate the exposure of the contacts 20 included on the circuit module 12.

***Independent Claim 1 is Not Anticipated by the Miks et al. Reference***

In independent Claim 1, the case is described as having “*a closed first end*” and “*an open second end.*” Applicant respectfully submits that the secure digital card 45 shown in Figure 4 of the Miks et al. reference fails to satisfy the feature of “*an open second end.*” More particularly, the housing of the secure digital card 45 created as a result of the attachment of the top and bottom skins 46, 47 to each other does not include any open end whatsoever, the circuit module 12 thus being fully encased in such housing except for the exposure of the contacts 20 within the windows 48 of the bottom skin 47 as described above. Though not readily apparent from Figure 4 of the Miks et al. reference, the structural attributes of the top and bottom skins 46, 47 are such that when ultrasonically welded or otherwise adhered to each other, such connected top and bottom skins 46, 47 collectively define a side wall devoid of any openings which permit access to the interior chamber in which the circuit module 12 resides. Along these lines, the Miks et al. reference notably lacks any disclosure regarding the inclusion of any *open end* in the housing collectively defined by the attached first and second skins 46, 47.

In addition, in Claim 1, the electronic device is described as comprising “*a unitary case.*” Applicant respectfully submits that because the housing of the secure digital card 45 which is shown in Figure 4 of the Miks et al. reference is formed by the attachment of the separate and distinct first and second skins 46, 47 to each other, such housing is not a unitary structure within the context of Claim 1 of the present application.

Thus, based on the foregoing, Applicant respectfully submits that independent Claim 1 of the present application is not anticipated by the Miks et al. reference, and is in condition for allowance, as are Claims 2-6 as being dependent upon an allowable base claim.

***Independent Claim 7 is Not Anticipated by the Miks et al. Reference***

Like independent Claim 1 described above, independent Claim 7 describes the case of the memory card as including “a closed first end” and “an open second end.” Thus, for the same reasons discussed above in relation to independent Claim 1, Applicant respectfully submits that independent Claim 7 is not anticipated by the Miks et al. reference, and is in condition for allowance, as are Claims 8-14 as being dependent upon an allowable base claim.

With particular regard to Claim 14, which is dependent upon Claim 7, Applicant respectfully submits that such claim is not anticipated by the Miks et al. reference for those reasons discussed above in relation to Claim 1 regarding the “unitary” construction of the case in accordance with the present invention.

***Conclusion***

On the basis of the foregoing, Applicant respectfully submits that the stated grounds of rejection have been overcome, and that Claims 1-23 are now in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 01/04/06

By:



Customer No.: 007663

Mark B. Garred  
Registration No. 34,823  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371